

Robert L. Hillman, :
 :
 Plaintiff, : Case No. 2:11-cv-607
 :
 v. : JUDGE MICHAEL H. WATSON
 : Magistrate Judge Kemp
 State of Ohio, et al., :
 :
 Defendants. :

In an order filed on December 15, 2011, the Court noted that the pending motion to dismiss had not been properly served. In that order, defendant O'Brien was directed to serve a copy of his motion to dismiss upon Plaintiff Robert L. Hillman by regular mail, and to file an amended certificate of service indicating the date of mailing. To date, no amended certificate of service has been filed. Thus, the record shows that defendants filed a motion to dismiss on September 26, 2011, and have never served a copy of that motion on the plaintiff.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

/s/ Terence P. Kemp
United States Magistrate Judge